



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Ms. Cindy Eck
USDA, APHIS
Biotechnology Regulatory Services
4700 River Road
Riverdale, MD 20737

Subject: Final Environmental Impact Statement (FEIS) for the Determination of Nonregulated Status for ASR368 Glyphosate-Resistant Creeping Bentgrass, CEQ# 20160288

Dear Ms. Eck:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) has completed its review of the FEIS for the Determination of Nonregulated Status for ASR368 Glyphosate Resistant Creeping Bentgrass.

APHIS received a request (Petition 15-300-01p) from the Scotts Company LLC and Monsanto Company seeking a determination of nonregulated status for ASR368 Creeping Bentgrass that has been engineered to be resistant to the herbicide glyphosate. The petition states that APHIS should not regulate ASR-368 Creeping Bentgrass because it does not present a plant pest risk. APHIS prepared this FEIS to help inform its response to the petition. The FEIS considered two alternatives: 1) the No Action Alternative (continue to regulate ASR368 Creeping Bentgrass), and 2) the Preferred Alternative (approve the petition for nonregulated status of ASR368 Creeping Bentgrass).

APHIS determined that the impacts from cultivation of ASR368 Creeping Bentgrass would not differ from those caused by cultivation of conventional creeping bentgrass varieties, because ASR368 Creeping Bentgrass is not agronomically different from conventional creeping bentgrass. The FEIS found potential impacts would be the same under the No Action and Preferred Alternative with respect to agricultural production, the physical environment (e.g., soil, water, air), biological resources (e.g., animal, plant, biodiversity), human health, animal feed, and socioeconomics. APHIS previously assessed the weed risk potential of herbicide resistant and non-herbicide resistant types of creeping bentgrass, using PPQ's weed risk assessment guidelines and found the two types to be the same in terms of weed risk potential (USDA-APHIS-PPQ, 2014). As a result, APHIS did not add glyphosate-resistant creeping bentgrass to the federal list of noxious weeds.

In our letter dated November 14, 2016, EPA recommended additional discussion of anticipated environmental change, tribal, and environmental justice issues, as well as the potential for related reductions in environmental impacts. We appreciate the responsiveness of the FEIS to many of EPA's concerns. In future NEPA documents, however, we continue to recommend that APHIS consider the most recent National Climate Assessment in its analyses, which would improve the characterization of the affected environment and provide useful information for considering potential impacts and alternatives.

We appreciate APHIS' extensive efforts to produce a high-quality EIS. Please direct any questions you may have to Arthur Totten of my staff at (202) 564-7164.

Sincerely,

FOR 

Robert Tomiak
Director
Office of Federal Activities